

Applicants : John H. HEALEY and Gene R. DIRESTA
U.S. Serial No.: 09/890,116
Filed : November 20, 2001
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REMARKS

By this Amendment, Applicants canceled claims 38-76 and 116 without prejudice. Accordingly, there is no issue of new matter and Applicants respectfully request the entry of this Amendment. Upon entry, claims 77-115, 117, and 112-125 are pending and under examination.

Since the Examiner has indicated in the November 17, 2005 Final Office Action (page 12) that the pending claims are allowed, a Notice of Allowance is respectfully requested.

Claim rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 38-53 under 35 U.S.C. § 103(a) as being unpatentable over Anuta (U.S. Patent No. 4,341,691) and Lehtinen (U.S. Patent No. 5,733,564). See page 2 of November 17, 2005 Final Office Action.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 38-53 without prejudice, thereby rendering the above rejection moot.

The Examiner rejected claims 54-76 under 35 U.S.C. § 103(a) as being unpatentable over Mao et al. (U.S. Patent No. 6,238,687 B1) and Gayer (U.S. Patent No. 6,214,049 B1). See page 3 of November 17, 2005 Final Office Action.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 54-76 without prejudice, thereby rendering the above rejection moot.

The Examiner rejected claims 38-53 under 35 U.S.C. § 103(a) as being unpatentable over Anuta et al. (U.S. Patent No.

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4,341,691) and Sabokbar et al. (Ann. Rheum. Dis. October 1998). See page 5 of November 17, 2005 Final Office Action.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 38-53 without prejudice, thereby rendering the above rejection moot.

The Examiner rejected claims 54-76 under 35 U.S.C. § 103(a) as being unpatentable over Sabokbar et al. and Anuta as applied to claims 38-53 above, and further in view of Merck and Co., Inc. (WO/96/39107). See page 7 of November 17, 2005 Final Office Action.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 54-76 without prejudice, thereby rendering the above rejection moot.

Claim rejection under 35 U.S.C. § 102(a)

The Examiner rejected claims 54, 61 and 70 under 35 U.S.C. § 102(a) as being anticipated by Sabokbar et al. See page 5 of November 17, 2005 Final Office Action.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 54, 61 and 70 without prejudice, thereby rendering the above rejection moot.

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Conclusion

Applicants respectfully maintain that the pending claims do not contain the issues raised in the November 17, 2005 Final Office Action.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

I hereby certify that this paper is being facsimile transmitted to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax No.: (571) 273-8300

on the date shown below.

Albert Wai-Kit Chan 1/31/06
Albert Wai-Kit Chan Date
Reg. No. 36,479

Respectfully submitted,

Albert Wai-Kit Chan

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